

## Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 INR-07 L-02

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 SAJ-01

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R 301749Z APR 75

FM AMEMBASSY BONN

TO USMISSION USBERLIN

SECSTATE WASHDC 9765

INFO AMEMBASSY BERLIN

AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY MOSCOW

USMISSION NATO BRUSSELS

C O N F I D E N T I A L BONN 07016

E.O. 11652: GDS

TAGS: PGOV, PFOR, WB, UR, US, UK, FR, GW

SUBJECT: ANSWER TO SOVIET PROTEST ON S-BAHN SEARCHES

REF: A) STATE 92907; B) USBER 774 AND PREVIOUS

SUMMARY: ACTING ON RECOMMENDATION OF BERLIN MISSIONS, TRIPARTITE AGREEMENT HAS BEEN REACHED IN BONN (WITH FRENCH RESERVATION) ON REPLY TO SOVIET STATEMENT ON S-BAHN SEARCHES. END SUMMARY.

1. IN VIEW OF TRIPARTITE BERLIN RECOMMENDATION THAT ALLIES REPLY TO SOVIET STATEMENT ON S-BAHN SEARCHES, ALLIED EMBASSIES BONN HAVE REOPENED MATTER AND HAVE REACHED AGREEMENT ON REPLY, WITH FRENCH RESERVATION. FRENCH REP (BOISSIEU) SAID AGREED REPLY SHOULD BE MADE ONLY IF MATTER WERE IN ANY WAY REFERRED TO BY SOVIETS. HE ADDED, OFF THE RECORD, THAT THERE WOULD BE NO OBJECTION IF A SITUATION WERE "CREATED" SO THAT THE FRENCH "RESERVATION" COULD TECHNICALLY BE MET. REGARDING TEXT, CONFIDENTIAL

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SLIGHT ADDITION MADE PARA 1 (OF TEXT REFTEL B) TO SHOW

STANDING OF 1928 LAW; PARA THREE REDRAFTED TO AVOID  
INTERROGATIVE WHICH COULD DRAW FURTHER SOVIET APPROACH ON  
SUBJECT AND TO MAKE FLAT ASSERTION OF FACT.

2. BEGIN TEXT:

1. I REFER TO THE STATEMENT MADE ON 7 APRIL BY  
THE COUNSELLOR OF THE SOVIET EMBASSY TO THE CHAIRMAN  
POLITICAL ADVISER CONCERNING THE CHECKS WHICH WERE  
CARRIED OUT BY THE BERLIN POLICE ON S-BAHN AND REICHSBAHN  
PREMISES IN THE WESTERN SECTORS OF BERLIN, FOLLOWING THE  
RELEASE OF HERR LORENZ ON 5 MARCH. THE ACTION OF THE  
BERLIN POLICE ON THESE PREMISES WHERE THE REICHSBAHN  
OPERATES WITH THE PERMISSION OF THE ALLIED KOMMANDATURA  
WAS AUTHORIZED BY THE ALLIED KOMMANDATURA UNDER ALLIED  
LEGISLATION IN THE EXERCISE OF THEIR RIGHTS AND RESPONSIBILITIES.  
IT WAS ALSO IN ACCORDANCE WITH LONG-STANDING  
GERMAN LEGISLATION DATING FROM 1928 WHICH, BY THE COMMON  
CONSENT OF THE FOUR POWERS, GOVERNS THE OPERATION OF  
RAILWAYS IN BERLIN.

2. AS A MATTER OF COURTESY AND BECAUSE THERE WAS  
A POSSIBILITY THAT SMALL DELAYS COULD RESULT IN THE  
OPERATION OF TRAINS IN THE SOVIET SECTOR, THE SOVIET  
EMBASSY WAS INFORMED BY THE CHAIRMAN LIAISON AND PROTOCOL  
OFFICER IN ADVANCE THAT THESE CHECKS ON THE S-BAHN AND  
THE REICHSBAHN WERE BEING INSTITUTED.

3. THE MEASURES TAKEN BY THE GDR REFERRED TO IN  
YOUR STATEMENT ARE NOT RELEVANT; SUCH MEASURES COULD NOT  
HAVE ANY EFFECT ON THE STEPS WHICH THE AUTHORITIES IN THE  
WSB CONSIDERED IT NECESSARY TO TAKE. END TEXT.

COMMENT: WE AND THE BRITISH DO NOT KNOW THE BASIS OF THE  
FRENCH "RESERVATION" OTHER THAN THEIR BELIEF THAT ALLIED  
FORMAL REPLY NOT NEEDED IN VIEW OF RESPONSE ON THE SPOT  
BY BRITISH POLAD. IT SEEMS TO BOTH OF US, HOWEVER,  
THAT FRENCH HERE FULLY EXPECT THAT WE (IN CHAIR FOR  
MAY) WILL GO AHEAD WITH FORMAL REPLY TO SOVIETS, ON  
THE ASSUMPTION THAT THE APPROPRIATE SITUATION WILL BE  
"CREATED" AND FRENCH POINT THUS MET.  
HILLENBRAND

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## Message Attributes

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